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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,231	12/10/2001	Ming-Jen Huang	HUAN3102/EM	9937

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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,231

Applicant(s)

HUANG, MING-JEN

Examiner

Vivek D Koppikar

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 14-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In line 2 of claim 14, the term "white wax" is not enabled because the specification does not provide examples of what type of "white wax" is used. Many different compounds can be considered "white wax", for example, polymethylene (US Patent Number 5,141,555, Col. 2, Ln. 55-56). However the specification provides no basis as to what the term "white wax" includes. Furthermore, polyethylene can also be a white wax (US Patent Number 5,078,747 to Kastele, Col. 5, Ln. 62-63). Appropriate correction is required. The examiner recommends amending the specification to recite a certain class of compounds which are considered white waxes and amending the claims to recite these same compounds.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1775

4. Claims 14, 17, 20-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 3,560,122 to Cassar in view of JP 02-038449 to Kazuo (hereafter referred to as JP'449)

With regard to Claim 14, Cassar teaches a wax decoration item (a candle) that is made of a mixture paraffin (white wax) and polyethylene wax (Col. 2, Ln. 1-9).

Cassar does not teach that the wax mixture comprises a cyanide polymer. However, JP'449 teaches a resin composition made up in part of polyethylene waxes. The resin composition includes a cyanide monomer in order to increase the antistatic properties of the resin (Translated Abstract). Therefore at the time of the invention, one of ordinary skill in the art would have been motivated to add cyanide to the wax mixture of Cassar with the expectation of increasing the antistatic properties of the wax emulsion.

With regard to Claim 17, the examiner takes the position that the wax mixture of Cassar in view of JP'449 is a colloid since it is essentially a mixture of two waxes.

With regard to the limitation that the melting temperature and the condensing temperature of the colloid material being lower than those of the wax decoration item, the examiner takes the position that this is a design feature. For example the colloid mixture of Cassar in view of JP'449 could be coated onto a wax decoration item made from mineral waxes which have high melting and condensing temperatures.

With regard to Claims 20 and 21, in Cassar the wax mixture includes palygorskite (an inorganic compound) (Col. 22, Ln. 27-31). As stated above, the examiner takes the position that the wax mixture of Cassar in view of JP'449 is a colloid.

With regard to Claim 24, the wax composition comprises a wick (Col. 2, Ln. 6-8).

Art Unit: 1775

5. Claim 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar in view of JP'449 as applied to claim 14 above, and further in view of US Patent Number 5,246,603 to Tsaor.

Cassar and JP'449 fail to teach adding fragrance to the wax compositions.

Tsaor teaches a wax mixture with fragrance oil that forms an emulsified mixture (Col. 7, Ln. 1-17). Therefore at the time of the invention one of ordinary skill in the art would have added fragrance oil to the wax mixture (colloid) of Cassar in view of JP'449 with the expectation of providing a fragrance to the wax mixture and increasing its emulsification characteristics.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vivek Koppikar** whose telephone number is **(703) 305-6618**. The examiner can normally be reached on Monday-Friday from 8 AM to 5 PM, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones, can be reached at (703) 308-3822. The fax phone numbers for the organization where this application or proceeding are assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Vivek Koppikar

4/4/03


DEBORAH JONES
SUPERVISORY PATENT EXAMINER